

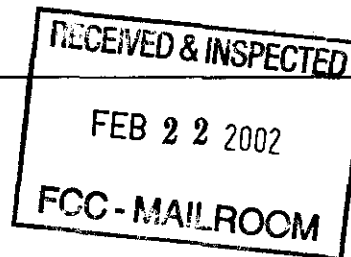


# PUBLIC NOTICE

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Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 02-356  
February 14, 2002

## COMMENTS REQUESTED IN CONNECTION WITH VERIZON'S SECTION 271 APPLICATION FOR RHODE ISLAND

CC Docket No. 01-324

Comments Due: February 19, 2002

Today, the Commission received the attached written *ex parte* presentation from Verizon in the above-referenced docket proposing a significant reduction in Verizon's Rhode Island switching rates. In the course of this proceeding, the parties have raised numerous concerns regarding Verizon's Rhode Island switching rates and whether they fall within the reasonable range that correct application of TELRIC principles would produce. Verizon relied in its application not only on the Rhode Island Public Utilities Commission's proceeding adopting Verizon's switching rates, but also on a benchmark comparison to the New York switching rates and the Massachusetts rates based on the New York rates.<sup>1</sup> Late in this proceeding, on January 28, 2002, the New York Public Service Commission adopted new switching rates, which are more than 50 percent lower than Verizon's previous New York switching rates.<sup>2</sup> AT&T, WorldCom, and Verizon have all filed *ex parte* presentations regarding the effect of this action in the current proceeding.<sup>3</sup> In response to this recent change in circumstances, Verizon has filed with this Commission reduced switching rates upon which it now relies as evidence demonstrating that its Rhode Island switching rates satisfy checklist item two. We now seek comment on whether these modified rates, if adopted by the Rhode Island Public Utilities

<sup>1</sup> Verizon Application at 88 & Appx. A, Vol. 3, Tab D, Joint Declaration of Donna Cupelo, Patrick Garzillo and Michael Anglin at para. 38.

<sup>2</sup> New York Public Service Commission, *Proceeding on Motion of the Commission to Examine New York Telephone Company's Rates for Unbundled Network Elements*, Case 98-1357, Order on Unbundled Network Element Rates (rel. Jan 28, 2002).

<sup>3</sup> Letter from Robert W. Quinn, Jr., Vice President, Federal Government Affairs, AT&T, to William F. Caton, Acting Secretary, Federal Communications Commission, CC Docket No. 01-324 (Feb. 12, 2002); Letter from Keith L. Seat, Senior Counsel, WorldCom, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 01-324 (Jan. 31, 2002); Letter from Clint E. Odom, Director - Federal Regulatory, Verizon, to Commissioner Kathleen Q. Abernathy, Federal Communications Commission, CC Docket No. 01-324 (Feb. 8, 2002).

Commission, fall within the reasonable range that correct application of TELRIC principles would produce. We have established a short comment period due to the imminent deadline for ruling on Verizon's application.

Without deciding what reliance, if any, the Commission will place on Verizon's supplemental evidence, the Commission encourages interested parties to respond to this evidence. We emphasize that this Public Notice does not represent a decision about whether we will accord any weight to the supplemental evidence. The Commission expects that a section 271 application, as originally filed, will include all of the factual evidence on which the applicant would have the Commission rely in making its determination.<sup>4</sup> If parties in a section 271 proceeding choose to submit new evidence, however, the Commission retains the discretion to waive its procedural rules and consider the evidence,<sup>5</sup> to start the 90-day review process anew, or to accord such evidence no weight.<sup>6</sup>

**Parties are requested to send a courtesy copy of their comments via email to [jveach@fcc.gov](mailto:jveach@fcc.gov), [gremondi@fcc.gov](mailto:gremondi@fcc.gov), [kelly.trainor@usdoj.gov](mailto:kelly.trainor@usdoj.gov), and [sfrias@gwia.ripuc.org](mailto:sfrias@gwia.ripuc.org).** An original and four copies of all comments must be filed with William F. Caton, Acting Secretary, Office of the Secretary, Federal Communications Commission, 445 12<sup>th</sup> Street, S.W., TW-B204, Washington D.C. 20554. In addition, twelve copies of each comment must be delivered to Janice Myles, Common Carrier Bureau, 445 12<sup>th</sup> Street, S.W., Room 5-C327, Washington, D.C., 20554, and one copy to Qualex International, Portals II, 445 12<sup>th</sup> Street, S.W., Room CY-B402, Washington D.C., 20554. In accordance with the Commission's earlier Public Notice announcing that hand-delivered or messenger-delivered filings are no longer accepted at the Commission's headquarters, hand-delivered or messenger-delivered filings must be delivered to **236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002.**<sup>7</sup> The filing hours at this location will be 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

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<sup>4</sup> See *Joint Application by SBC Communications Inc., Southwestern Bell Tel. Co., and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Kansas and Oklahoma*, Memorandum Opinion and Order, 16 FCC Rcd 6237, 6247-50, paras. 21-27 (2001), *aff'd in part, remanded in part sub nom. Sprint Communications Co. v. FCC*, No. 01-1076 (D.C. Cir. Dec. 28, 2001) (*SWBT Kansas/Oklahoma Order*); *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Michigan*, Memorandum Opinion and Order, 12 FCC Rcd 20543, 20570, para. 49 (1997), *writ of mandamus issued sub nom. Iowa Utils. Bd. v. FCC*, No. 96-3321 (8<sup>th</sup> Cir. Jan. 22, 1998) (*Ameritech Michigan Order*); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 01-734 (CCB rel. Mar. 23, 2001) (*March 23 Procedural Public Notice*).

<sup>5</sup> See 47 C.F.R. § 1.3.

<sup>6</sup> See *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6247-50, paras. 21-27; *Ameritech Michigan Order*, 12 FCC Rcd at 20571-76, paras. 49-59; *Application of Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York*, Memorandum Opinion and Order, 15 FCC Rcd 3953, 3968-69, paras. 34-37 (1999).

<sup>7</sup> See Public Notice, FCC Announces New Filing Location for Paper Documents, DA 01-2919 (rel. December 14, 2001).

Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express Mail and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location will be open 8:00 a.m. to 5:30 p.m. The USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The USPS mail addressed to the Commission's headquarters actually goes to our Capitol Heights facility for screening prior to delivery at the Commission.

| <b>If you are sending this type of document or using this delivery method...</b>   | <b>It should be addressed for delivery to...</b>                                       |
|--|--|
| Hand-delivered or messenger-delivered paper filings for the Commission's Secretary   | 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (8:00 a.m. to 7:00 p.m.) |
| Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail) | 9300 East Hampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.)            |
| United States Postal Service first-class mail, Express Mail, and Priority Mail   | 445 12 <sup>th</sup> Street, SW Washington, DC 20554                                   |

In addition to filing paper comments, parties **are encouraged also to file comments electronically** using the Commission's Electronic Comment Filing System (ECFS). *See* Electronic Filing of Document in Rulemaking Proceedings, 63 Fed Reg. 24, 121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by the Internet e-mail. To receive instructions, send an email to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

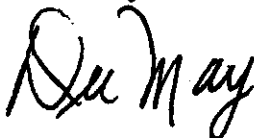
Common Carrier Bureau Contact: Julie Veach (202) 418-1558.

Specifically, Verizon filed proposed rate reductions with the Rhode Island PUC today. Verizon proposes to reduce the analog port rate by \$2.29 from its current level of \$4.15 to a proposed level of \$1.86. Verizon's filing also proposes a 53% reduction in the originating and terminating local switching rates from the current levels of \$0.002921 and \$0.002563 to \$0.001358 and \$0.001192, respectively. These rates are lower than those in effect in any other state in which the FCC has approved a long distance application, and, we believe, are well below the level that any reasonable measure of TELRIC costs would produce. Accordingly, these reductions remove any uncertainty about whether they comply with what a reasonable application of TELRIC would produce. These proposed rates will be in effect until the Rhode Island PUC completes its upcoming TELRIC proceeding.

Under the unique circumstances presented here, consideration of these reductions in the current proceeding are fully consistent with the FCC's "complete as filed rule." As the FCC has explained, it is both permissible and appropriate to rely on a mid-application rate reduction where, as here, it "will serve the public interest." *Kansas/Okalahoma Order* ¶ 22. Like the rate reductions on which the Commission has relied in the past, a reduction in the Rhode Island switching elements would be "quite limited in nature" and would not affect Verizon's "rate structure." Moreover, the reductions address a change in circumstances that was not within Verizon's control. Thus, this is an "instance in which an applicant has responded to criticism in the record by taking positive action that will clearly foster the development of competition." Finally, this application is "otherwise generally persuasive," and "demonstrates a commitment to opening local markets to competition as required by the 1996 Telecommunications Act." *Id.* ¶¶ 23-24. Indeed, for the first time in a section 271 proceeding, no party has disputed that Verizon is offering everything under the checklist in the manner that it is required to, or that Verizon's performance in providing access to the various checklist items is excellent across the board. And the record established beyond dispute the enormous public interest benefits that would follow from Verizon's entry. In New York, for example, Verizon's entry has benefited consumers to the tune of up to \$700 million per year in savings from increased long distance and local competition. There is no reason to deny Rhode Island consumers those same benefits.

Please let me know if you have any questions. The twenty-page limit does not apply as set forth in DA 01-2746.

Sincerely,



cc: J. Veach  
J. Stanley  
G. Remondino  
D. Attwood  
R. Lerner  
T. Preiss  
D. Shetler  
M. Carey

Dee May  
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February 14, 2002

**Ex Parte**

William Caton  
Acting Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W. – Portals  
Washington, DC 20554

**RE: Application by Verizon-New England Inc. for Authorization To Provide In-Region,  
InterLATA Services in State of Rhode Island, Docket No. 01-324**

Dear Mr. Caton:

The purpose of this letter is to provide an update on a step that Verizon is voluntarily implementing to address the highly unique and unusual circumstances that have arisen during the pendency of Verizon's application to provide long distance service in Rhode Island.

Verizon previously demonstrated in its application in this proceeding that Verizon has satisfied the requirements of section 271 of the Act, and the Rhode Island Public Utility Commission (PUC) and the United States Department of Justice have agreed based on the results of their own extensive investigations. Likewise, the Rhode Island PUC previously has adopted a full suite of rates for unbundled elements that it has concluded are TELRIC compliant. Consequently, the voluntary measures that Verizon is implementing are not in any way necessary to demonstrate compliance with section 271, other sections of the Act or the Federal Communications Commission's (FCC) rules.

These voluntary steps do, however, directly address the unique situation created by changes in circumstances that occurred while the Rhode Island application was pending. Specifically, New York's previous rates for unbundled switching had provided a basis for comparison of the corresponding Rhode Island rates. On January 28, 2002, in the midst of this proceeding, the New York PSC announced that it was adopting new unbundled switching rates in New York. While the FCC repeatedly has held that a range of rates could be set by state commissions consistent with its TELRIC rules (and correspondingly that TELRIC does not require the adoption of any single rate in all cases), neither the PUC nor the FCC has had an opportunity to consider what, if any, impact the recent change in the rates that previously provided a basis of comparison should have in Rhode Island. Given this recent change in circumstances, Verizon is voluntarily modifying its unbundled switching rates in Rhode Island to eliminate any possible argument that these rates exceed the TELRIC range.

\$0.001358 and \$0.001192, respectively. Finally, Verizon is also proposing a reduction to Unbundled Telephone Company Reciprocal Compensation and Unbundled TC Reciprocal Compensation that is equivalent to the proposed decrease in the terminating local switching rate. Attachment A provides a comparison of the present and proposed rates.

Although the analog port and local switching rates approved by this Commission in Docket Nos. 2681 and 3363 were set in accordance with the FCC's TELRIC methodology, the Company is revising those rates in this filing by approximately 50% - well below any reasonable measure of TELRIC - to address the unique circumstances created by changes in New York's UNE rates while the Rhode Island application was pending before the Federal Communications Commission. New York's previous rates had provided a basis for comparison of the Rhode Island rates. While the FCC has repeatedly made clear that it is the role of individual state commissions to set rates for their states and that its TELRIC rules do not require the adoption of the same rates in every case, neither this Commission nor the FCC has had an opportunity to consider what impact, if any, the change in the rates that previously provided a basis for comparison should have in Rhode Island. Accordingly, Verizon is voluntarily modifying its rates to eliminate every possible argument that those rates exceed the TELRIC range. These rates will remain in effect until the Commission establishes new rates for unbundled network elements. Verizon RI, of course, reserves its right to submit new cost studies in the context of any future proceedings convened by the Commission for purposes of establishing such rates.

Enclosed are an original and nine (9) copies of the revised tariff pages. Since the filing provides only for rate reductions and prejudices no carrier, Verizon RI respectfully requests that the Commission approve these tariff changes in less than the 30 day statutory notice period.

Thank you for your attention to this matter.

Sincerely,



Bruce P. Beausejour

Enclosure

cc: Docket No. 3363 Service List  
Docket No. 2681 Service List

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PUBLIC UTILITIES COMMISSION



Bruce P. Beausejour  
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bruce.p.beausejour@verizon.com

February 14, 2002

Luly E. Massaro, Commission Clerk  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

**RE: Proposed Modifications to RI PUC Tariff No. 18**

Dear Ms. Massaro:

On December 14, 2001, Verizon New England Inc., d/b/a Verizon Rhode Island ("Verizon RI"), submitted a tariff filing in compliance with the Commission's Order in Docket No. 2681, issued on December 3, 2001, and the Commission's Order in Docket No. 3363, issued on November 28, 2001. The PUC No. 18 Tariff pages were filed with an effective date of February 1, 2002, and were approved by the Commission at Open Meeting on January 29, 2002.

Verizon RI is hereby filing as of February 14, 2002, for effect February 20, 2002, tariff material consisting of the following:

PUC - RI - No. 18

| <u>Part</u> | <u>Section</u> | <u>Revision of Page(s)</u> |
|-------------|----------------|----------------------------|
| M           | 2              | 9, 11, and 12              |

Verizon RI proposes in this filing to substantially reduce the Commission approved rates for analog line ports and local switching. The Company is proposing to reduce the analog port rate by \$2.29 from its current level of \$4.15 to a proposed level of \$1.86. In addition, Verizon RI is proposing a 53% reduction in the originating and terminating local switching rates from the current levels of \$0.002921 and \$0.002563 to

Verizon New England Inc

**2. Rates and Charges**  
**2.6 Local Switching**

| <b>2.6.1 Line Ports</b> |                        |   |       |      |
|-------------------------|------------------------|---|-------|------|
| ID                      | Service Category       | Rate Element                                | Rate  | USOC |
|                         | Line Ports Features    | Remote Call Forwarding – NRC – Per port     | TBD   |      |
|                         |                        | Remote Call Forwarding – Monthly – Per port | 5.57  |      |
|                         | Network Design Request | NRC – Per order or fraction thereof         | 56.41 |      |

| <b>2.6.2 Trunk Ports</b> |                             |                    |         |      |
|--------------------------|-----------------------------|--------------------|---------|------|
| ID                       | Service Category            | Rate Element       | Rate    | USOC |
|                          | Dedicated DS1 Trunk Port    | Monthly – Per Port | 235.18  | U6M  |
|                          | Unbundled Shared Trunk Port | Peak – Per MOU     | .000678 |      |
|                          |                             | Off Peak – Per MOU | .000678 |      |

| <b>2.6.3 Usage</b> |   |                       |         |      |
|--------------------|---|-----------------------|---------|------|
| ID                 | Service Category                                    |                       | Rate    | USOC |
|                    | Unbundled Local Switching                           | Originating – Per MOU | .001358 | (R)  |
|                    |   | Terminating – Per MOU | .001192 | (R)  |
|                    | Unbundled Tandem Transport                          | Peak – Per MOU        | .000291 |      |
|                    |   | Off Peak – Per MOU    | .000291 |      |
|                    | Unbundled Local Common Transport                    | Peak – Per MOU        | .001050 |      |
|                    |   | Off Peak – Per MOU    | .001050 |      |
|                    | Unbundled Toll Common Tandem Transport              | Peak – Per MOU        | .001332 |      |
|                    |   | Off Peak – Per MOU    | .001332 |      |
|                    | Tandem Transit Switching                            | Peak – Per MOU        | .001418 |      |
|                    |   | Off Peak – Per MOU    | .001418 |      |
|                    | Unbundled Telephone Company Reciprocal Compensation | Peak – Per MOU        | .001870 | (R)  |
|                    |   | Off Peak – Per MOU    | .001870 | (R)  |



**Attachment A**

| <b><u>Rate Element</u></b>    | <b><u>Current Rate</u></b> | <b><u>Proposed Rate</u></b> |
|-------------------------------|----------------------------|-----------------------------|
| Analog Port                   | \$4.15                     | \$1.86                      |
| Originating Local Switching   | \$0.002921                 | \$0.001358                  |
| Terminating Local Switching   | \$0.002563                 | \$0.001192                  |
| Unbundled Tel.Co. Recip Comp. | \$0.003241                 | \$0.001870                  |
| Unbundled TC Recip. Comp.     | \$0.005919                 | \$0.004548                  |

|   |  |
|---|--|
| <p>John O. Postl, Esquire<br/> Assistant General Counsel<br/> Global NAPs, Inc.<br/> 89 Access Road, Suite B<br/> Norwood, MA 02062<br/> T: 781-551-9715<br/> F: 781-551-9984<br/> e-mail: <a href="mailto:jpostl@gnaps.com">jpostl@gnaps.com</a></p>   | <p>Christopher J. McDonald, Esquire<br/> WorldCom, Inc.<br/> 200 Park Avenue, Sixth Floor<br/> New York, NY 10166-0099<br/> T: 212-519-4164 F: 212-519-4569<br/> e-mail: <a href="mailto:christopher.mcdonald@wcom.com">christopher.mcdonald@wcom.com</a></p>              |
| <p>Jay Goodman, Esquire (for WorldCom)<br/> 86 Weybosset Street<br/> Providence, RI 02903<br/> T: 401-273-6444<br/> F: 401-831-0440<br/> e-mail: <a href="mailto:jgoodman@sprynet.com">jgoodman@sprynet.com</a></p>   | <p>Patricia M. French, Esquire<br/> LeBoeuf, Lamb, Greene &amp; MacRae, L.L.P.<br/> 260 Franklin Street<br/> Boston, MA 02110<br/> T: 617-439-9500 F: 617-439-0341<br/> e-mail: <a href="mailto:pfrench@llgm.com">pfrench@llgm.com</a></p>                                 |
| <p>Jennifer A. Marrapese, Esquire<br/> Cox RI Telcom, Inc.<br/> 70 Comstock Parkway<br/> Cranston, RI 02921<br/> T: 401-821-1919, ext. 104 F: 401-383-2204<br/> e-mail: <a href="mailto:jennifer.marrapese@cox.com">jennifer.marrapese@cox.com</a></p>  | <p>Dr. Francis Collins<br/> CCL Corporation<br/> 176 Rangeley Road<br/> Chestnut Hill, MA 02167<br/> T: 617-277-8585, ext. 11 F: 617-277-2132<br/> e-mail: <a href="mailto:ccl_corp@msn.com">ccl_corp@msn.com</a></p>  |
| <p>Susan Wittenberg, Esquire<br/> Antitrust Division – TTF<br/> U.S. Department of Justice<br/> 1401 H Street, NW, Suite 8000<br/> Washington, DC 20530<br/> T: 202-307-2327<br/> F: 202-514-6381<br/> e-mail: <a href="mailto:susan.wittenberg@usdoj.gov">susan.wittenberg@usdoj.gov</a></p> | <p>Scott A. Sawyer, Esquire<br/> Conversent Communications of Rhode Island, LLC<br/> 222 Richmond Street, Suite 206<br/> Providence, RI 02903<br/> T: 401-490-6377 F: 401-272-9751<br/> e-mail: <a href="mailto:ssawyer@conversent.com">ssawyer@conversent.com</a></p>     |
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| <p>Thomas Weiss<br/> Weiss Consulting, Inc.<br/> 405 Crossway Lane<br/> Holly Springs, NC 27540<br/> T: 919-557-8116 F: 919-557-8117<br/> e-mail: <a href="mailto:weisst@ix.netcom.com">weisst@ix.netcom.com</a></p>  | <p>Brian Kent<br/> Division of Public Services<br/> 89 Jefferson Boulevard<br/> Warwick, RI 02888<br/> T: 401-941-4500, ext 143 F: 401-222-2099<br/> e-mail: <a href="mailto:brian.kent@ripuc.org">brian.kent@ripuc.org</a></p>  |

Verizon New England Inc.

## 2. Rates and Charges

### 2.6 Local Switching

| 2.6.1 Line Ports |  |  |         |       |
|------------------|--|--|---------|-------|
| ID               | Service Category                                   | Rate Element   | Rate    | USOC  |
|                  | Line Ports   | Analog – Monthly – Per port  | 1.86    | (R)   |
|                  |  | Basic Rate ISDN – Monthly – Per port   | 38.46   |       |
|                  |  | Primary Rate ISDN – Monthly – Per port   | 595.15  |       |
|                  |  | Integrated Digital Loop Carrier Port – Monthly – Per interface group (4 DS1 ports) | 384.01  |       |
|                  |  | Electronic Key Telephone Port – Monthly – Per port                                 | 38.46   |       |
|                  |  | Public Access Line Port – Monthly – Per port                                       | 4.15    |       |
|                  |  | Coin Telephone Port – Monthly – Per port   | 6.36    |       |
|                  |  | DS1 DID/DOD/PBX – Monthly – Per port   | 235.18  |       |
|                  |  | SMDI II Port – Monthly – Per port  | 145.62  |       |
|                  |  |  |         | UQY   |
|                  | Feature Charge                                     | NRC – Per order  | .56     |       |
|                  | Channel Activation Subsequent to Port Installation | NRC – Per channel  | 8.92    | REAKC |
|                  | Traffic Study                                      | Set Up – NRC – Per study   | 47.80   |       |
|                  |  | Per Week – NRC – Per study   | 33.13   |       |
|                  | Line Port Features                                 | AIN Triggers – Per query   | .000279 |       |
|                  |  | AIN Triggers – SS7 Transport for AIN Message – Message Transport – Per query       | .001369 |       |
|                  |  | Call Forwarding-Busy – Monthly – Per port  | 0.0002  |       |
|                  |  | Call Forwarding-Don't Answer – Monthly – Per port                                  | 0.0002  |       |
|                  |  | Call Forwarding-Variable – Monthly – Per port                                      | 0.0006  |       |

**Service List for Dkt. 2681: Verizon Rhode Island – TELRIC Studies:**  
Last updated on 12/03/01

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Verizon New England Inc.

**2. Rates and Charges**  
**2.6 Local Switching**

| 2.6.1 Line Ports |  |                    |         |      |
|------------------|--|--------------------|---------|------|
| ID               | Service Category                           | Rate Element       | Rate    | USOC |
|                  | Unbundled TC<br>Reciprocal<br>Compensation | Peak – Per MOU     | .004548 | (R)  |
|                  |  | Off Peak – Per MOU | .004548 | (R)  |

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